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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,308	04/05/2001	Masahiro Someno	Q63977	4174

7590

12/12/2006

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EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/826,308	SOMENO ET AL.	
	Examiner	Art Unit	
	Thierry L. Pham	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18, 19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 11/28/06.
- Claims 18-19, 21-23 are pending, wherein claims 18-19 have been withdrawn from consideration; claims 1-17, and 20 have been canceled.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (US 6433882), and in view of Hori et al (US 6359696).

Regarding claim 22, Mori discloses a computer (*personal computer 10, fig. 2b*) which controls transfer of print data to a printer (*printer 30, fig. 2b*), comprising:

- means for reading spool files (*spool files 18, fig. 2b*) storing information for specifying subfile (*EMF files, fig. 3*) that comprises divided print data (*divide print job into multiple pages via page separation unit 22, fig. 2b, col. 9, lines 45-52*) and information for specifying a command file (*command files, fig. 3, col. 6, lines 30-35*) which stores a group of commands (*group of commands, fig. 3*) for controlling the printer;
- outputting means for reading (*spool file processor 20, fig. 2b*) the subfile specified by the spool file (*EMF files, fig. 3*) and for outputting the print data (*outputting EMF print data to printer 30, fig. 2b, col. 6, lines 36-45*) from the subfile; and
- means for reading (*process control command means 20a, fig. 2b, col. 2, lines 60-63*) the command file (*command files, fig. 3, col. 6, lines 30-35*) when the computer detects that the command file specified by the spool file has been updated (*newly added commands, col. 10, lines 43-46 and col. 11, lines 17-23*); and

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Mori teaches a printer driver for generating and inputting print control commands and stored as a command file (col. 8, lines 1-3 and col. 45-67), but fails to explicitly teach or suggest "print canceling command" instructions/commands to stop the printer from printing.

Hori, in the same field of printing, teaches a well-known example of a print control command "print canceling command" to stop the printer from printing (col. 5, lines 48-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify print control command (file) of Mori to include a "print canceling command" as taught by Hori because of a following reason: (●) to stop the printer from printing the print data that is not intended by the operators/users, by doing so, to reduce consumable waste (i.e. ink, paper, and etc).

Therefore, it would have been obvious to combine Mori with Hori to obtain the invention as specified in claim 1.

Regarding claim 21: Claim 21 recite limitations that are similar and in the same scope of invention as to those in claim 22 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. RAM 103, fig. 2a) for storing computer programs, hence claim 21 would be rejected using the same rationale as in claim 22 as described above.

Regarding claim 23: Claim 23 is the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claim 23; therefore, claim 23 is rejected for the same rejection rationale/basis as described in claim 22 above.

### ***Response to Arguments***

Applicant's arguments with respect to previously rejected claims 11-17, and 20 (which have been cancelled) have been considered but are moot in view of the new ground(s) of rejection in view of newly found prior art reference due to newly added claims 21-23.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5963216 to Chiarabini et al, teaches a well-known example of a printer driver allowing users/operators to input print canceling commands to stop printer from printing.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

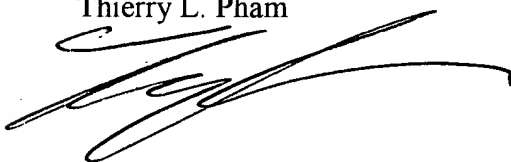
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

GABRIEL I. GARCIA  
PRIMARY EXAMINER